IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Bail Appl..No. 731 of 2007()

CRMP.71/2007 of J.M.F.C.,THIRUVALLA IN CRIME NO.36/07 OF MALLAPPALLY EXCISE RANGE
.....

PETITIONER/ACCUSED:

ANIL KUMAR, S/O.RAMANKUTTY,
AMBALAPARAMBU VEEDU, PULINTHANAMKARA,
KUNNAMTHANAM, MALLAPPALLY.

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/02/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 731 OF 2007 B

Dated this the 8th day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in C.R. No.36/2007 of Mallappally Excise Range for offences punishable under Sections 8(1) and (2) of the Abkari Act, for having been found in possession of 3 liters of illicit arrack on 22.12.2006 and was arrested on 29.12.2006, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in three other cases involving similar abkari offences.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

aks